

## USER'S GUIDE

# Appeals

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- **What is an Appeal?**

The appeal procedure is the public hearing process through which any individual may request relief from any order, requirement, decision or determination made by an administrative official. The majority of appeal cases are filed as a result of a situation or violation of the zoning code discovered through field investigation. Other appeals may be filed as a result of a conflict or disagreement related to a zoning resolution interpretation. All appeals are heard and decided by the Board of Zoning Appeals. If an appeal is being requested as the result of a field order, the case must be filed within thirty (30) days of the order.

- **How do I apply for an Appeal?**

A letter describing the situation in question, or a copy of the field order from which relief is being sought shall accompany an application for an appeal. Site plans, structural details and additional information may be provided at the applicant's discretion or upon request by the BZA in order to make a sound determination on the case. Refer to the attached application packet for additional information. The completed packet and application fee shall be filed directly with the Board of Zoning Appeals. You may schedule an appointment with the Administrator of the Board if you have questions or wish to further discuss details of a case prior to submission. *Requests for variance of a yard, bulk or parking standard must be clearly stated in the letter of application as submitted to the Board.*

- **Processing Procedure for an Appeal:**

Minimum processing time for an Appeal is 62 days.

1. Within 5 days after filing a complete application, the BZA Administrator sets a public hearing for between 30 and 62 days from that date.
2. The BZA Administrator sends notice of the public hearing at least 10 days prior to such hearing to the applicant, Township and property owners within 200 ft. A legal advertisement is published in a local county newspaper.
3. BZA takes action within 30 days after public hearing not more than 120 days after the filing of the appeal.
4. If the application is approved:
  - a) Applicant must apply to the Rural Zoning Commission for a Zoning Certificate when directed to do so by the Board. Upon issuance, the zoning certificate is valid for a period no longer than six months unless a building permit has been issued or BZA has granted a time extension.
  - b) Applicant must apply to the Building Department for a Building Permit as required by law.

# HAMILTON COUNTY BOARD OF ZONING APPEALS

County Administration Building  
138 E. Court Street, Room 804  
Cincinnati, Ohio 45202  
513-946-4502

## CHECKLIST FOR FILING AN APPEAL APPLICATION

Applications for an appeal shall be **filed in person** with the Board of Zoning Appeals. A legal notice will be prepared by the Board of Zoning Appeals and placed in a newspaper of general circulation in the county two weeks prior to the public hearing. *The applicant will receive the bill for said legal notice.* The Board will also prepare, for the applicant, a typewritten list of names and complete addresses of the property owners of all lots and lands located within 200' of the property requesting the appeal. Said list will be prepared from the County Auditor's current tax list. *The office of the Board will execute all forms, including individual and legal notices, necessary for the processing of an application.*

**Hearings are held by the Board of Zoning Appeals in Room 805 of the County Administration Building, located at 138 East Court Street, Cincinnati, Ohio 45202**

All complete applications shall include the following information. *Please submit this checklist with your application.*

### 1. THE LETTER (Please provide 1 copy)

An explicit typewritten statement addressed to the Board of Zoning Appeals, setting forth the following:

- \_\_\_\_\_ The location and size of the property
- \_\_\_\_\_ A clear and accurate description of the proposed construction or use of the property. (When filing an appeal from a field order).
- \_\_\_\_\_ Specific sections of the zoning resolution in question, or from which the appellant is requesting an interpretation or relief.
- \_\_\_\_\_ State clearly any fact, hardship or other pertinent information related to the appeal or believed to support the interpretation sought or recommended.

### 2. THE SITE PLAN - (As necessary for an Appeal)

The site plan shall be drawn to scale of not less than 1 inch equals 50' and shall contain the following information.

- \_\_\_\_\_ Surveyor's Seal (*Required for all new dwellings, residential additions over 600 sq. ft., residential additions less than 10' from a property line and all commercial buildings.*)
- \_\_\_\_\_ Name of person(s) preparing the plan
- \_\_\_\_\_ Title, name of owner & name of builder
- \_\_\_\_\_ North Arrow (North to top of plan)
- \_\_\_\_\_ Property lines, property dimensions, street name(s), site size
- \_\_\_\_\_ Existing and proposed buildings & other structures

- \_\_\_\_\_ Distance from structures to property lines
- \_\_\_\_\_ Paving, parking areas, driveways, walks etc.
- \_\_\_\_\_ Parking space, aisle & drive dimensions & parking analysis
- \_\_\_\_\_ Identify land uses on parcels adjoining the proposed site
- \_\_\_\_\_ Streetscape & boundary buffer yards & interior landscape areas (When Applicable)
- \_\_\_\_\_ Existing & proposed grades
- \_\_\_\_\_ Easements & purpose of easements

**Note: Modification or changes to the plats and or plans approved by the Board are subject to review by the Board and a new case could be required by the Board or the Board's Administrator.**

**3. THE LANDSCAPE & LIGHTING PLAN – (As necessary for Appeal)**

The landscape plan shall be drawn to scale of not less than 1 inch equals 50' and shall contain the following information. A landscape plan is not required for single family dwellings and similar uses not subject to buffering and landscape standards but when required for other uses shall contain the following information.

- \_\_\_\_\_ Landscape Architects Seal or plants selected from Appendix A-2 "Recommended Plant List"
- \_\_\_\_\_ Streetscape buffer yard width & location
- \_\_\_\_\_ Boundary buffer yard(s) width & location
- \_\_\_\_\_ Interior landscape areas width & location
- \_\_\_\_\_ Detailed schedule of planting materials including type, caliper and location within each yard or area
- \_\_\_\_\_ Location of any exterior light fixtures or poles

**4. THE STRUCTURAL DRAWING – As necessary for Appeal**

**5. THE APPLICATIONS – Complete one (1) copy each of the attached BZA applications.**

**6. THE FEE \$ \_\_\_\_\_ + Legal Advertisement**

An application fee is required when the appeal is filed. Contact the Board of Zoning Appeals at 946-4502 for additional information. (All fees are nonrefundable and must be made payable to the Board of Zoning Appeals.)

Checklist Prepared by: Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

E-Mail \_\_\_\_\_

Date \_\_\_\_\_